

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Darius Golden-Gardner

Case: 2:20-mj-30368

Case No. Assigned To : Unassigned

Assign. Date : 9/10/2020

USA V. SEALED MATTER (CMP)(CMC)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2, 2020 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 USC § 922(a)(6)

Making false statement during purchase of a firearm

This criminal complaint is based on these facts:
see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: September 10, 2020City and state: Detroit, Michigan*Complainant's signature*Kenton Weston, Special Agent (ATF)*Printed name and title**Judge's signature*Hon. R. Steven Whalen, United States Magistrate Judge*Printed name and title*

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR
COMPLAINT AND ARREST WARRANT**

I, Kenton Weston, being first duly sworn, do hereby state:

I. Introduction

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since January 2018. I am currently assigned to the Detroit, Michigan Field Division, Group 2, where I am tasked with investigating violations of federal firearms laws. I have conducted and/or participated in dozens of criminal investigations involving the possession and use of firearms, armed drug trafficking, and criminal street gangs, among other state and federal offenses, which have resulted in the seizure of hundreds of firearms. In addition, I have graduated the Federal Law Enforcement Training Center, and ATF Special Agent Basic Training.

2. This affidavit is made in support of an application for a criminal complaint and arrest warrant for **Darius GOLDEN-GARDNER (B/M, xx/xx/1998)** for violations of 18 U.S.C. § 922(a)(6) (making false statement during purchase of a firearm).

3. I make this affidavit from personal knowledge based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information

gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware of relating to this investigation.

II. Summary of the Investigation

4. On June 25, 2020 Detroit Police Department (DPD) officers were in the area of Seven Mile Road and Greenfield Road in Detroit, Michigan when they heard gunshots. Officers observed a suspect jump a fence and run into an open field. With the aid of a K-9, officers tracked the suspect's route of travel and recovered a black Glock 17 Gen 5 9mm pistol bearing serial number "BNHM097."

GOLDEN-GARDNER PURCHASES THE GLOCK

5. I conducted a search of ATF eTrace, which revealed that on June 2, 2020, GOLDEN-GARDNER originally purchased the Glock 17 Gen 5 9mm pistol bearing serial number "BNHM097" from the Federal Firearm Licensee (FFL), The Firing Line, located in the Eastern District of Michigan. The Firing Line subsequently provided the ATF Form 4473 completed by GOLDEN-GARDNER and the sales receipt of the purchase, which reveals that he purchased the firearm with a credit card at approximately 4:39 p.m. on June 2, 2020.

6. I reviewed the ATF Form 4473 that GOLDEN-GARDNER completed, as required by federal law, when he purchased the of the above-

mentioned firearm. The form signed by GOLDEN-GARDNER contained the following (question 11a) warning to the buyer:

“Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you.”

On the form, GOLDEN-GARDNER stated that he was the “actual buyer” of the firearm, by checking the box “Yes” to question 11a. In addition, I noted that GOLDEN-GARDNER had changed his answer to Question 11a from “No” to “Yes” and also initialed that change to show that he validated it. In addition, after following statement contained on ATF 4473

“...I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of Federal law... ”

GOLDEN-GARDNER signed and dated as evidence of approval.

GOLDEN-GARDNER TRANSFERS THE GLOCK

7. Meanwhile, on August 10, 2020, ATF Crime Gun Enforcement Team (CGET) executed a federal search warrant for the cellular device associated with Miles SINGLETON-WASHINGTON (B/M, DOB: XX/XX/1998). After recovering the cellular device, a forensic data extraction was completed.

8. Between August 11 and August 25, 2020, ATF Special Agent Kara Klupacs and I completed a partial review of the forensic extraction and of the

photographs taken during the physical review of the SINGLETON-WASHINGTON's cellphone. We observed that SINGLETON-WASHINGTON engaged in an iMessage conversation with an individual utilizing call number XXX-XXX-1612 later identified as Deijoun INGRAM-LAWRENCE (B/M, xx/xx/1998). As is relevant for this investigation, on June 25, 2020, INGRAM-LAWRENCE sent SINGLETON-WASHINGTON an image of a completed Michigan Pistol Sales Record (PSR) dated June 3, 2020 of a Glock 17 Gen 5 9mm pistol bearing serial number "BNHM097," listing the seller as GOLDEN-GARDENER and the purchaser of the firearm as Deijoun Dwayne-Lamar INGRAM-LAWRENCE.

9. On September 3, 2020, the CGET executed a federal search warrant at the residence of INGRAM-LAWRENCE. Once the residence was secured, INGRAM-LAWRENCE waived his *Miranda* rights and was interviewed concerning firearms he had recently purchased. INGRAM-LAWRENCE stated that in early June 2020, he had purchased a Glock pistol from GOLDEN-GARDENER for approximately \$450, which he later returned to GOLDEN-GARDENER. During the interview, INGRAM-LAWRENCE directed me to a completed PSR showing this purchase located in his bedroom (identical to the image of the Michigan PSR on SINGLETON-WASHINGTON's cell phone). Before questioning ended, ATF seized INGRAM-LAWRENCE's Apple iPhone pursuant

to the search warrant and entered it on ATF evidence. Finally, DPD and ATF performed an inventory search of INGRAM-LAWRENCE's Jeep, prior to towing the vehicle due to an invalid license plate, and recovered an empty Glock pistol box for the same Glock model 17 Gen 5 9mm pistol serial number "BNHM097."

10. After recovering the Apple iPhone from INGRAM-LAWRENCE, Special Agent Klupacs conducted a partial physical review of it and noted a conversation between the INGRAM-LAWRENCE and a number stored in the phone as "Darius" next to an icon of a syringe. Special Agent Klupacs noted the call number for "Darius" is the same number utilized by GOLDEN-GARDNER on the ATF Form 4473 when purchasing the Glock 17 Gen 5 9mm pistol bearing serial number BNHM097. Additionally, I queried the law enforcement database, TLO, and identified the phone number is registered to GOLDEN-GARDNER. The following is summary of the pertinent information contained in the conversation:

- a. At approximately 3:30 p.m. on June 2, 2020—the same day when GOLDEN-GARDNER purchased the Glock 17 Gen 5 9mm pistol bearing serial number BNHM097—INGRAM-LAWRENCE instructed GOLDEN-GARDNER to purchase a Glock 17 Gen 5, specifically stating, "Grab the Glock 17 Gen 5 bro." Approximately five minutes before the sale was completed, INGRAM-LAWRENCE provided GOLDEN-GARDNER with what appears to be a credit card PIN number. GOLDEN-GARDNER stated "that's not working," and INGRAM-LAWRENCE stated, "try again."

- b. Approximately five hours later, at 8:50 p.m. on June 2, 2020, a photograph of a Glock 17 Gen 5 9mm caliber semiautomatic pistol was created and saved to INGRAM-LAWRENCE's cellphone.
- c. On June 4, 2020, INGRAM-LAWRENCE asked if he needed to register the Glock 17 Gen 5 with the State of Michigan, which GOLDEN-GARDNER confirmed.
- d. On August 20, 2020, GOLDEN-GARDNER informed INGRAM-LAWRENCE that he reported the gun lost. Based on my training and experience, this appears to be an attempt to minimize a paper trail and evade law enforcement. Specifically, GOLDEN-GARDNER stated, "I'm saying that I did report it lost" and "You on some bull shit I told u from the jump, what it was with that strap. Anything bounce back is on you." Based on my training and experience, I know the word "strap" is commonly used term for a firearm.

11. Finally, I note that GOLDEN-GARDNER purchased the Glock 17 Gen 5 9mm pistol bearing serial number BNHM097 on June 2, 2020, and that same firearm was recovered from the scene of a shooting in Detroit, Michigan on June 25, 2020. Thus, the "time to crime"—*i.e.*, the amount of time that elapses between the purchase of a firearm and its recovery by law enforcement—was 23 days. Based on my training and experience, a firearm with a time-to-crime of one year or less strongly indicates that the buyer may be dealing in trafficking firearms.

III. Conclusion

12. Probable cause exists that on or around June 2, 2020, in the Eastern District of Michigan, Darius GOLDEN-GARDNER (xx/xx/1998) did make false statements to a licensee to obtain firearms in violation of 18 U.S.C. § 922(a)(6).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'K-W', is written above a horizontal line.

Kenton Weston, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me and signed in my presence
and/or by reliable electronic means.

A handwritten signature in blue ink, appearing to read 'R. S. Whalen', is written above a horizontal line.

HON. R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: September 10, 2020